



**REQUEST
FOR
CONTINUED EXAMINATION (RCE)
TRANSMITTAL**

Subsection (b) of 35 U.S.C. § 132, effective on May 29, 2000, provides for continued examination of an utility or plant application filed on or after June 8, 1995.

See The American Inventors Protection Act of 1999 (AIPA).

<i>Application Number</i>	09/382442
<i>Filing Date</i>	August 25, 1999
<i>First Named Inventor</i>	Alan R. Reinberg
<i>Group Art Unit</i>	2812 ✓
<i>Examiner Name</i>	Richard Booth
<i>Attorney Docket Number</i>	303.522US1
<i>Customer No.</i>	21186

This is a Request for Continued Examination (RCE) under 37 CFR § 1.114 of the above-identified application entitled **METHOD FOR REDUCING SINGLE BIT DATA LOSS IN A MEMORY CIRCUIT**.

Submission required under 37 C.F.R. § 1.114

- Consider the amendment(s)/reply under 37 C.F.R. § 1.116 previously filed on .
 - Consider the arguments in the Appeal Brief or Reply Brief previously filed on .
 - An Amendment Under 37 CFR § 1.116 (pages) is enclosed.
 - A new power of attorney (pages) is enclosed.
 - An Information Disclosure Statement is enclosed (pages).
 - a. Form(s) 1449
 - b. Copies of IDS Citations
 - A check in the amount of \$750.00 is attached to pay the RCE filing fee required under C.F.R. § 1.17(e).
 - The Commissioner is hereby authorized to credit overpayments or charge any fees set forth in 37 CFR §§ 1.16 through 1.18 to Deposit Account No. 19-0743.**
 - A petition for extension of time in the prior application (1 pages) is enclosed along with a check in the amount of \$110.00 to pay the extension fee.
 - Others: A Request for Reconsideration (3 pgs.).

SCHWEGMAN, LUNDBERG, WOESSNER & KLUTH, P.A.

Customer Number: 21186

By: John L. Kuhn

Atty: Janal M. Kalis

Reg. No. 37,650

CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: Attn-Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this 30 day of September, 2003.

100

Tina Kohlwey

Signature

10/06/2003 SSITHIB1 00000042 190743 09382442
01 FC:1801 - 20.00 DA 750.00 - DD

750,00 0P
01 FC:1801



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Alan R. Reinberg Examiner: Richard Booth
Serial No.: 09/382442 Group Art Unit: 2812
Filed: August 25, 1999 Docket No.: 303.522US1
Title: METHOD FOR REDUCING SINGLE BIT DATA LOSS IN A MEMORY
CIRCUIT

REQUEST FOR RECONSIDERATION

Mail Stop RCE
Commissioner for Patents
P.O.Box 1450
Alexandria, VA 22313-1450

This Request for Reconsideration is filed in response to the Final Office Action mailed May 30, 2003, and an Advisory Action mailed September 22, 2003.

No claims are amended, no claims are canceled, and no claims are added; as a result, claims 1-2, 4-14, 26-32, and 35-39 remain pending in this application.

§103 Rejection of the Claims

Claims 1-2, 4-5, & 7-10 were rejected under 35 USC § 103(a) as being unpatentable over Nakanishi (U.S. 5,145,797) in view of Lisenker et al. (WO 94/19829) and further in view of admitted prior art. The Examiner maintained the rejection in a statement filed in conjunction with an Advisory Action, mailed 9/22/03. In response to the Applicant's position that the references did not suggest combination, the Examiner stated that "the rejection is proper."

The Applicant respectfully requests reconsideration of this position. Specifically, the Applicant requests the Examiner to consider that the Nakanishi patent's only reference to "heating the thin layer" as is claimed occurs when the patent refers to the floating gate electrode as being "thermally oxidized in dry oxygen atmosphere at 900 degrees Centigrade to form an ion implantation-induced damage protection film 7 (a mask oxide film)." Col. 2, lines 49-51. The Lisenker patent application, on the other hand, describes a method used in wet oxygen treatment. See page 5, lines 9-11. Page 8 of the Lisenker application describes the Lisenker method as

usable in processes that employ hydrogen. The Nakanishi patent, on the other hand, describes a process that does not employ hydrogen. The only thermal step that is described with some detail refers to a “dry oxygen atmosphere.” Because Nakanishi describes an oxidation process that does not include hydrogen, the Nakanishi patent cannot be combined with a process that does include hydrogen to obtain the present invention. The Applicant asserts that the references do not suggest combination because they are directed to antithetical processes.

Nakanishi does describe a “normal pressure chemical vapor deposition” in column 2, lines 52-54 of the patent but provides no details as to specific steps of the method. The only details concerning the method come from the previous sentence that refer to a “dry oxygen atmosphere.” Because Nakanishi specifically describes “dry oxygen”, and Lisenker requires “wet Oxygen,” the Applicant asserts that the references do not suggest combination. The additional references cited by the Examiner do not remedy this issue. Nakajima refers to wet oxidation but in column 6, lines 43-50, describes a heating step that improved data retention. The heating step description does not include hydrogen. Shen describes methods for implanting hydrogen into an oxide, which is contrary to what is taught in Nakanishi.

CONCLUSION

Applicant respectfully submits that the claims are in condition for allowance and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's attorney (612) 373-6976 to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

Respectfully submitted,

ALAN R. REINBERG

By his Representatives,

SCHWEGMAN, LUNDBERG, WOESSNER & KLUTH, P.A.
P.O. Box 2938
Minneapolis, MN 55402
(612) 373-6976

Date Sep 30, 2003

By Janal M. Kalis
Janal M. Kalis
Reg. No. 37,650

CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: Mail Stop AF, Commissioner of Patents, P.O.Box 1450, Alexandria, VA 22313-1450, on this 30th day of September, 2003

Name

Tina Kohut

Signature

ZMK